

MINUTES OF SPECIAL TOWN MEETING
TOWN OF ELLINGTON
March 14, 2005

A Special Town Meeting of the electors and citizens qualified to vote in Town Meetings of the Town of Ellington, Connecticut, was held at the Ellington Town Hall, 55 Main Street, Ellington, Connecticut, on Monday, March 14, 2005, at 7:15 p.m. prevailing time to discuss and vote upon entering into an option and ground lease agreement to lease a portion of the property owned by the Town located between Crystal Lake Road and Pinnacle Road to Southwestern Bell Mobile Systems, LLC for the purpose of erecting a cellular tower on said property.

First Selectman Dennis C. Milanovich called the meeting to order at 7:16 p.m., and then asked for nominations for a Moderator

Dennis Frawley nominated **A. Leo Miller** moderator, seconded by **Peter Charter**, vote by acclamation was unanimous, motion so carried.

The Moderator then read the warning for the meeting, which was published in the Journal Inquirer on March 7, 2005 and is recorded in these records preceding these minutes.

At this time the moderator asked if anyone had any comments or questions.

Mr. John Watts expressed concern that the proposed locations were in the flight path of incoming and out going aircraft for the airport which is located close to route 140. He then requested consideration for a red light to be installed on said tower. Mr. Watts's second concern was the appearance of the tower and wanted to know if it could be beautified with artificial tree limbs so it would blend in better with the environment. Mr Watts then stated he would strongly oppose this becoming a site for multi towers. The last worry Mr. Watts had was as to whether or not the road to the site would be blocked off. He was troubled the area would become a dumping spot. Mr. Watts then requested an explanation of the future lease area, and what that meant.

First Selectman Dennis Milanovich told Mr. Watts the light on said tower would be governed by the FAA. The future lease area was space designated inside the 70x70 ft. box and that each place where the little blocks were, is where multiple users can go, Cingular would be the first cell company in. As far as the site itself it would be fenced in and gated.

Christine Martyn voiced her concern on birds being harmed by flying into the tower. Ms. Martyn will gather information on statistics of injury to birds and forward to Mr. Milanovich at Mr. Miller's request.

Howell Martyn questioned if we had a Comprehensive Plan of Development and if we did would this tower be in conformity with said plan. Mr. Martin stated that the question should be answered before we proceeded in any degree.

Mr. Milanovich stated the last plan was finished in 1995 which made it 10 years old and makes it time for renewal. Additional appropriations have been requested in this year's budget to hire someone to help redraft and redraw that plan. At this time Mr. Milanovich explained that this tower is needed because of the dead spots in town, and provides the town with modest revenue.

At this time Selectman Stupinski stated cell towers were not contemplated as part of the Comprehensive Plan of Development, He further stated this plan of development addresses how the town should grow in different areas and what type of development it should be.

Mr. Marytn then stated he felt this cell tower would negatively impact values of residential homes in the area and that the rental income for this property was ridiculously small. Mr. Martyn's final comment, was that there was nothing in the lease agreement about Cingular being responsible for the removal of their property in the event they no longer want it.

Moderator Miller stated there would be a provision for a bond adequate in amount for said removal in that case, that was the intent, at least, and perhaps they would review the bond amount to make sure it was adequate.

At this time Mr. Stupinski directed everyone to item 23 of the lease. This states in part all improvements constructed or installed by tenant shall be removable by the tenant upon termination of this agreement within a 90 day period.

Shawn Costello then questioned if we were to vote on the agreement we had in hand. There had been an earlier request to add limbs to the tower and he agreed with that, and the limb issue was not in the agreement. It was stated that an amendments could be made if that is what the majority wanted.

Mr. Costello also agreed with Mr. Marytn on \$24000.00 not being an adequate amount of money for the town to be receiving.

Mr. Costello's last statement had to do with the intent of the individuals who had given this land to the town; he stated the intent of the individuals which they had placed in their deed was read as follows: "it was their hope and intent that this land be maintained as open forest land."

Mr. Costello feels if any revenue comes from this agreement that a portion or all of the money go to conservation for the town.

Mr. Milanovich stated the town is receiving the going market rate for this amount of space as we are leasing a 70 by 70 square foot box.

Selectman Peter Charter urged everyone present to pass this, as he felt it was needed to increase emergency efficiency.

Discussion continued with questions and answers.

Vincent Gambacorta of the Fire Dept. questioned the town having use of the antenna. He felt the agreement didn't adequately describe how much of the building we were going to have. He also questioned backup power and wanted to know if a backup generator would be on site.

Public Works Director Peter Michaud stated there would be a backup generator on site, and there is space allotted for the town inside the building which amendments can be added to the contract, so he felt this was a non-issue.

Diane Harding of Pinnacle Rd. questioned traffic, noise and the loss of trees.

Mr. Milanovich stated the tower itself makes no noise. The emergency generators may run one or two hours a week in the middle of the night so they are exercised and available if they are needed when and if power goes out and that traffic generated would be an occasional service truck going to the site.

Discussion continued with questions and answers.

Mr. Costello questioned which site would be used. Mr. Michaud explained the final decision would be up to the Siting Council.

Selectman Leighton then questioned whether or not there is confidence the lease provides sufficient verbiage to make sure the town has adequate space on the tower and the grounds, for its purposes of emergency health and safety.

Town Attorney Susan Boyan stated there is language in the lease about giving the town space but it did not address inside the building. Ms. Boyan explained she had spoken with the attorney for Cingular earlier in the day and he said they could firm that up and give say 10 square feet inside the building for equipment and the best available space on the tower at the time the town requests space.

Mr. Leighton then made the motion, We authorize the First Selectman to enter into the option and lease agreement as set forth in the document before us with the proviso that the First Selectman satisfy himself on behalf of the town, that there is adequate space for the Town within the land and air property, **Seconded by Michael Stupinski**

Mr. Michaud explained this process now has to go through Planning & Zoning and the land use agencies that can make recommendations but they are non-binding, and the final decision is still up to the Siting Council.

John Turner of the Fire Department questioned the 10 square feet inside the building for the town as possibly not being large enough.

Attorney Boyan stated the motion Mr. Leighton made gives the First Selectman the authority to negotiate items into the contract, and she asked that they consider allowing the motion to make clerical corrections.

Vincent Gambacorta requested a commitment from the First Selectman that he contact all interested parties and get everyone's input before he does this. Mr. Milanovich stated "you have that".

It was also explained the Siting Council will have public hearings on this issue, and recommendations from the public and the town may be expressed at these hearings.

Discussion continued;

At this time **Mr. Leighton amended his motion** to allow for clerical corrections and adjustments, seconded by **Mr. Stupinski**.

Mr. Stupinski made the motion to move the question, seconded by Mr. Milanovich after stating if there were no more comments we will move to vote on the motion.

A show of hands was taken 18 in favor of said motion 2 opposed, motion so carried

Peter Charter made the motion to adjourn at 8:25 p.m. seconded by Nancy Way, vote by acclamation was unanimous, motion so carried.

Respectfully Submitted,